

§2(a), set out in the Appendix to Title 5, Government Organization and Employees, which transferred and consolidated Bureau of Lighthouses, of which Lighthouse Service was a part, with Coast Guard.

For transfer of functions of other officers, employees, and agencies of Department of the Treasury, with certain exceptions, to Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5. Functions of Coast Guard, and Commandant of Coast Guard, were excepted from transfer when Coast Guard is operating as part of Navy under sections 1 and 3 of Title 14, Coast Guard.

Coast Guard transferred to Department of Transportation, and all functions, powers, and duties relating to Coast Guard of Secretary of the Treasury and of other officers and offices of Department of the Treasury transferred to Secretary of Transportation by Pub. L. 89-670, §6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, Coast Guard shall operate as part of Navy in time of war or when President directs as provided in section 3 of Title 14. See section 108 of Title 49, Transportation.

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

**§ 749. Repealed. Aug. 4, 1949, ch. 393, § 20, 63 Stat. 561**

Section, acts July 27, 1912, ch. 255, §2, 37 Stat. 239; Mar. 4, 1913, ch. 141, §1, 37 Stat. 736, related to reimbursement of lighthouse keepers for clothing, etc., furnished shipwrecked persons. See section 486 of Title 14, Coast Guard.

**EFFECTIVE DATE OF REPEAL**

Repeal effective first day of third month after approval by President [Aug. 4, 1949], see section 19 of act Aug. 4, 1949, set out as an Effective Date preceding chapter 1 of Title 14, Coast Guard.

**§ 750. Repealed. Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 642**

Section, act Aug. 1, 1914, ch. 223, §1, 38 Stat. 658, related to leaves of absence to employees of Lighthouse Service.

**§§ 751 to 752a. Repealed. Aug. 4, 1949, ch. 393, § 20, 63 Stat. 561**

Section 751, act Mar. 3, 1915, ch. 81, §4, 38 Stat. 927, related to leave of absence to employees of Lighthouse Service. See section 6301 et seq. of Title 5, Government Organization and Employees.

Section 752, acts Mar. 4, 1913, ch. 168, 37 Stat. 1019; Mar. 4, 1913, ch. 141, §1, 37 Stat. 736, related to sale of condemned supplies, etc., and land not used; disposition of funds. See section 93 of Title 14, Coast Guard.

Section 752a, act May 22, 1926, ch. 371, §5, 44 Stat. 626, related to sale of equipment; disposition of receipts. See section 641 of Title 14.

**EFFECTIVE DATE OF REPEAL**

Repeal effective first day of third month after approval by President [Aug. 4, 1949], see section 19 of act Aug. 4, 1949, set out as an Effective Date note preceding chapter 1 of Title 14, Coast Guard.

**§ 752b. Omitted**

**CODIFICATION**

Section, act June 15, 1938, ch. 398, 52 Stat. 692, related to disposal of materials to the Boys Scouts of America. See section 641 of Title 14, Coast Guard.

**§§ 753, 754. Repealed. Aug. 4, 1949, ch. 393, § 20, 63 Stat. 561**

Section 753, act June 20, 1918, ch. 103, §4, 40 Stat. 608, related to sale of publications of Lighthouse Service. See sections 1705, 1708 of Title 44, Public Printing and Documents.

Section 754, acts July 27, 1912, ch. 255, §2, 37 Stat. 239; Mar. 4, 1913, ch. 141, §1, 37 Stat. 736, related to sale of clothing to employees. See section 485 of Title 14, Coast Guard.

**EFFECTIVE DATE OF REPEAL**

Repeal effective first day of third month after approval by President [Aug. 4, 1949], see section 19 of act Aug. 4, 1949, set out as an Effective Date note preceding chapter 1 of Title 14, Coast Guard.

**§ 754a. Purchase of commissary and quartermaster supplies**

Officers and crews of vessels of the Lighthouse Service and light keepers and depot keepers of the Lighthouse Service shall be permitted to purchase commissary and quartermaster supplies from the Army, Navy, or Marine Corps at the price charged officers and enlisted men of the Army, Navy, or Marine Corps.

(May 22, 1926, ch. 371, §4, 44 Stat. 626.)

**TRANSFER OF FUNCTIONS**

Bureau of Lighthouses, of which Lighthouse Service was a part, transferred and consolidated with Coast Guard by Reorg. Plan No. II of 1939, §2(a), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1432, set out in the Appendix to Title 5, Government Organization and Employees.

For transfer of functions of other officers, employees, and agencies of Department of the Treasury, with certain exceptions, to Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5. Functions of Coast Guard, and Commandant of Coast Guard, were excepted from transfer when Coast Guard is operating as part of Navy under sections 1 and 3 of Title 14, Coast Guard.

Coast Guard transferred to Department of Transportation, and all functions, powers, and duties relating to Coast Guard of Secretary of the Treasury and of other officers and offices of Department of the Treasury transferred to Secretary of Transportation by Pub. L. 89-670, §6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, Coast Guard shall operate as part of Navy in time of war or when President directs as provided in section 3 of Title 14. See section 108 of Title 49, Transportation.

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

**§§ 755 to 762. Repealed. Aug. 4, 1949, ch. 393, § 20, 63 Stat. 561**

Section 755, act June 16, 1880, ch. 235, 21 Stat. 263, related to police powers of masters of Lighthouse Service. See section 89 of Title 14, Coast Guard.

Section 756, act Mar. 3, 1915, ch. 81, § 6, 38 Stat. 928, related to use of appropriations with Forest Service. See section 141 of Title 14.

Section 757, act Aug. 29, 1916, ch. 417, 39 Stat. 602, related to cooperation with Army and Navy Departments in time of or in preparation for war. See sections 3, 88, 92, 93, 141, 144, 145, and 632 of Title 14.

Section 758, act Aug. 29, 1916, ch. 417, 39 Stat. 602, related to transfer of vessels, equipment, etc., to Navy or Army Departments in case of vocational emergency. See sections 3, 88, 92, 93, 141, 144, 145, and 632 of Title 14.

Section 759, acts June 20, 1906, ch. 3447, § 3, 34 Stat. 324; June 17, 1910, ch. 301, § 6, 36 Stat. 538, related to unauthorized establishment of lights and penalty. See section 83 of Title 14.

Section 760, act May 14, 1908, ch. 168, § 5, 35 Stat. 162, related to failure to maintain lights on bridges and penalty. See section 85 of Title 14.

Section 761, acts May 14, 1908, ch. 168, § 6, 35 Stat. 162; June 17, 1910, ch. 301, § 6, 36 Stat. 538, related to wrongful interference with Government aids to navigation and penalty. See section 84 of Title 14.

Section 762, act Mar. 3, 1915, ch. 81, § 8, 38 Stat. 928, related to wrongful interference with private aids to navigation and penalty. See section 84 of Title 14.

#### EFFECTIVE DATE OF REPEAL

Repeal effective first day of third month after approval by President [Aug. 4, 1949], see section 19 of act Aug. 4, 1949, set out as an Effective Date note preceding chapter 1 of Title 14, Coast Guard.

### § 763. Retirement for age of officers and employees generally; retirement pay; waiver of retirement pay

All officers and employees engaged in the field service or on vessels of the Lighthouse Service, except persons continuously employed in district offices or shop, who (1) shall have reached the age of fifty-five years, after having been thirty years in the active service of the Government, (2) shall have reached the age of sixty-two years, after having been twenty-five years in the active service of the Government, or (3) are involuntarily separated from further performance of duty, except by removal for cause on charges of misconduct or delinquency, after completing twenty-five years in the active service of the Government, or after completing twenty years of such service and after reaching the age of fifty years, may at their option be retired from further performance of duty; and all such officers and employees who shall have reached the age of seventy years shall be compulsorily retired from further performance of duty: *Provided*, That the annual compensation of persons so retired shall be a sum equal to one-fortieth of the average annual pay received for the last three years of service for each year of active service in the Lighthouse Service, or in a department or branch of the Government having a retirement system, not to exceed in any case thirty-fortieths of such average annual pay received: *Provided further*, That the retirement pay computed under the preceding proviso for any such officer or employee retiring under clause (3) shall be reduced by one-sixth of 1 per centum for each full month the officer or employee is under fifty-five years of age at the date of retirement: *Provided further*, That such retirement pay shall not include any amount on account of subsistence or other allowance: *Provided further*, That the retirement provisions and pay shall not apply to persons in the field service of the

Lighthouse Service whose duties do not require substantially all their time. Any person entitled to retirement pay under this section may decline to accept all or any part of such retirement pay by a waiver signed and filed with the Secretary of the Treasury. Such waiver may be revoked in writing at any time, but no payment of the retirement pay waived shall be made covering the period during which such waiver was in effect.

(June 20, 1918, ch. 103, § 6, 40 Stat. 608; Nov. 4, 1918, ch. 201, § 1, 40 Stat. 1036; June 21, 1955, ch. 170, § 1, 69 Stat. 166; Pub. L. 85-142, Aug. 14, 1957, 71 Stat. 365; Pub. L. 90-164, § 1, Nov. 29, 1967, 81 Stat. 519; Pub. L. 92-455, § 6(a), Oct. 2, 1972, 86 Stat. 761.)

#### CODIFICATION

Except for the last proviso this section was from act June 20, 1918. The last proviso was from act Nov. 4, 1918, the First Deficiency Appropriation Act, 1919.

#### AMENDMENTS

1972—Pub. L. 92-455 inserted cl. (3), substituted “three” for “five” years of service in first proviso, and inserted proviso for reduction of retirement pay computed under cl. (3) by one-sixth of 1 per centum for each full month the officer or employee is under fifty-five years of age at the date of retirement.

1967—Pub. L. 90-164 lowered voluntary retirement age from sixty to fifty-five years for those officers and employees having thirty years of active service.

1957—Pub. L. 85-142 inserted provisions allowing waiver of retirement pay.

1955—Act June 21, 1955, permitted retirement of officers and employees who have attained 60 years of age and have served for 30 years, or who have reached 62 years of age and have served for 25 years.

#### EFFECTIVE DATE OF 1972 AMENDMENT

Section 6(b) of Pub. L. 92-455 provided that: “The amendments made by subsection (a) of this section [amending this section] shall apply with respect to officers and employees to which such section 6 [amending this section] applies who are involuntarily separated or retired on or after the date of the enactment of this Act [Oct. 2, 1972].”

#### EFFECTIVE DATE OF 1967 AMENDMENT

Section 2 of Pub. L. 90-164 provided that: “The amendment made by this Act [amending this section] shall take effect on the first day of the second month which begins after the date of enactment of this Act [Nov. 29, 1967].”

#### EFFECTIVE DATE OF 1955 AMENDMENT

Section 2 of act June 21, 1955, provided that: “This Act [amending this section] shall take effect on the first day of the second month beginning after the date of enactment of this Act [June 21, 1955].”

#### TRANSFER OF FUNCTIONS

Bureau of Lighthouses, of which Lighthouse Service was a part, transferred and consolidated with Coast Guard by Reorg. Plan No. II of 1939, § 2(a), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1432, set out in the Appendix to Title 5, Government Organization and Employees.

For transfer of functions of other officers, employees, and agencies of Department of the Treasury, with certain exceptions, to Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Functions of Coast Guard, and Commandant of Coast Guard, were excepted from transfer when Coast Guard is operating as part of Navy under sections 1 and 3 of Title 14, Coast Guard.